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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,471

09/12/2003

Robert E. W. Hancock

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07/12/2006

DLA PIPER RUDNICK GRAY CARY US, LLP  
4365 EXECUTIVE DRIVE  
SUITE 1100  
SAN DIEGO, CA 92121-2133

EXAMINER

YOUNG, HUGH PARKER

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,471	<b>Applicant(s)</b> HANCOCK ET AL.	
	<b>Examiner</b> Hugh P. Young	<b>Art Unit</b> 1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 89-110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 89-110 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 89-110, drawn to methods of using SEQ ID NO: 1, classified in class 514, subclass 12.
  - II. Claims 89-110, drawn to methods of using SEQ ID NO: 2, classified in class 514, subclass 14.
  - III. Claims 89-110, drawn to methods of using SEQ ID NO: 3, classified in class 514, subclass 14.
  - IV. Claims 89-110, drawn to methods of using SEQ ID NO: 4, classified in class 514, subclass 14.
  - V. Claims 93-110, drawn to methods of using SEQ ID NO: 7, classified in class 514, subclass 14.
  - VI. Claims 89-110, drawn to methods of using SEQ ID NO: 11, classified in class 514, subclass 13.
  - VII. Claims 89-110, drawn to methods of using SEQ ID NO: 18, classified in class 514, subclass 13.
  - VIII. Claims 89-110, drawn to methods of using SEQ ID NO: 25, classified in class 514, subclass 13.
  - IX. Claims 89-110, drawn to methods of using SEQ ID NO: 32, classified in class 514, subclass 13.

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- X. Claims 89-110, drawn to methods of using SEQ ID NO: 39, classified in class 514, subclass 12.
- XI. Claims 89-110, drawn to methods of using SEQ ID NO: 46, classified in class 514, subclass 12.
- XII. Claims 89-110, drawn to methods of using SEQ ID NO: 53, classified in class 514, subclass 12.
- XIII. Claims 89-110, drawn to methods of using SEQ ID NO: 54, classified in class 514, subclass 13.

2. The inventions of Groups I – XIII are independent or distinct, each from the other because:

They are drawn to methods for using products, peptide sequences, that are independent and distinct from each other by each having unique structures (sequences and/or sizes) differing from all of the others, which give them unique physical, chemical and physiological properties. Applicant has not stated or pointed out a core or common structural component of the sequences disclosed and claimed in their application, nor is one readily apparent upon reading said claims. The fact that each of the disclosed peptide sequences will require a separate search and that the concomitant biochemical and physiological properties of each peptide will also be unique and specific to a given sequence means that separate searches will be required for each sequence when considering their method of using. For this reason the undue burden of searching such an assortment of claimed products requires restriction to one of the groups listed above.

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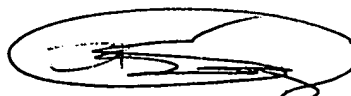
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh P. Young whose telephone number is (571)-272-4988. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hugh Parker Young, PhD



**B. DELL CHISM**  
**PATENT EXAMINER**